G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

19 07

( )

File No. 80-07

Serial Nos.

Papers Filed.

Month Feby 1907

SUBJECT.

Attachment of the Inam lands of Sri Gangaikondacholeswarar Swamy Temple at Bilaspur, Kumbakonam Tq. in satisfaction of private decree.

PREVIOUS REFERENCES.	LATER REFERENCES.
	Judl. J. 113-08.
	Judl. J. 447-08
	Judl 47. 404-1-6.

MUZRAI SECRETARIAT.

OFFICE NOTE.

File No.

Subject.

From

The Comptroller to Govt of H. H. the Maharaja of Ellapore

Letter No. 6821 — Muz 299 Dated 11th June 1906.

An advance of Rs 50/- was sanctioned Govt Pro. No 5431-2 dt the 22nd May 1906 to contest a suit in connection with the inam lands endowed to Sri Viswesvara temple in Theerthahalli Taluk, subject to the adjustment in due course out of the proceeds of the inam lands. The Comptroller states that the temple in question is not under the management of Government officers either permanent or temporary, and that he proposes that the question may be dealt with in accordance with the rules of 1877 re the alienation of

the main lands. If the advance is necessary, he requests that the source from which the advance is to be met may be pointed out.

Submitted with a draft

DS
3/7/06

Note continued :—

With reference to the above, the Deputy Commissioner was requested information on the following:—

Is this a Muzrai Institution? What are the receipts and Expenditure of the Institution? Is there any amount available at its credit; if not from what source should the advance Sanctioned now to be met?

The Dy. Comr reports that the temple is endowed with main lands, that the archak who enjoys the main lands has not kept regular accounts of the income and Expenditure and that there is no balance available at the credit of the temple. The advance Sanctioned will be adjusted in due course out of the proceeds of the main lands, which are under attachment.

Muzrai Secretariat. | File No. of 190

Muzrai Secretary's remarks:—

The temple is a Muzrai institution endowed with Devadaya inam lands, which have been attached by the Courts. In the interests of the temple, the Govt. have to contest the suit and to meet the expenses, a sum of Rs 50 was sanctioned as advance. The amount may be ordered to be met out of the sum of Rs 500 set apart for unforeseen charges out of the Kalasa and Chennarayanagar temple funds, and adjusted in due course from the proceeds of the inam lands. The comptroller may be informed accordingly & the same communicated to the Dy Comm.: with the request that the result of the suit should be reported.

102

Submitted to the 2nd Joint Commr. Ullangadam Rao

File No. of 190 | Muzrai Secretariat.

Is there any objection to the course proposed by the Comptroller that the question may be dealt with under the Rules of 1877 re the alienation of Inam lands

Rec'd 11/8/05

11/8/05

Muzrai Secretary's Remarks.

The Rules of 1877 regarding the alienation of Inam lands have no bearing on the present case. Those Rules relate to the Devadaya Inam lands unauthorizedly alienated to an unconnected party with or without possession; but, in this case, no such alienation has taken place.

Printed copy put up.

It is reported that the Devadaya Inam lands (Sur. Nos. 183 & 184) have in this case been attached by the Munsiff's Court at Shimoga

MGCPB—2,500—1-8-05

Muzrai Secretariat. | File No. of 190

in execution of a decree for the realization of the temple Vahivatdar's private debts; and that the lessee of one of the numbers has also filed a suit on the ground that he is the Mulagenidar. These are questions for decision by the Civil Courts. Hence the advance sanctioned to represent to the Court the interests of the Muzrai Department in the lands under dispute.

Orders are solicited on my remarks on page 3 of this Note. 21

Submitted to the II Councillor.

12th November 1906.

The proposal made by the Muzrai Secretary in his note of 9th August 06 is approved — 3 months delay in replying to the Agency

Draft order as proposed, A. C. 17/11/1906.

File No.	of 190	Muzrai Secretariat.

MGCPB—2,500—1-8-05.

Serial No.

(6) To,

The Comptroller, Mysore

Letter No 2979 Dt 29-11-06

States that the advance of Rs 50/- sanctioned in Govt Sec no 5431 2 Dt 22-5-06 to contest the suit in the Munsiff's Court at Shimoga on behalf of the Sri Varadaraja temple at Bilimane, Sorabha Taluk, may be met from the sum of Rs 500/- set apart for unforeseen charges

To,

The Dy Commr Shimoga

No 2848 Dt 29-11-1906

forwards copy of the above letter with the request that the result of the suit may be reported in due course

(7) From,

The Dy Commr, Shimoga

Letter no 305 Dt 3-11-1908

Reports the result of the Suit referred to above

The Dy. Commr reports that the Public Prosecutor who conducted the case, applied for the release of only S. no. 184 and did not press his application in respect of S no 183 as —

NOTE—Contn. sheet

GPB—50,000—18-5-08

Serial No.

he thought that it was not temple land.

As regards S. no 183, he states that the land was originally Khabat but subsequently continued as Inam in the name of the temple and that it has been sold by the Munsiff's court and purchased by Shroff Shama Rao and others, plaintiffs in the Execution case.

As regards S no. 184, he states that the Court ordered that the Mulya Deptt. could not be affected by the result of the suit which declared that the land in question was found to have been mortgaged to Seetharamiah of S. Canara ~~Dist~~ and could not therefore be sold in execution of the decree obtained by Shroff Shama Rao and others.

The Dy Commr invites attention to Govt order dt 10-11-08 on the subject and solicits permission to resume the 2 S. numbers to Govt and to inform the courts that they have no jurisdiction in the matter

(Rep Cr)

Two bills of costs aggregating

NOTE—Contn. sheet.

GPB—50 000—18-5-08

Serial No.

As 38-15-4 submitted by the Public Prosecutor are forwarded for sanction.

The Dy. Commr. has also submitted copies of Court judgments in the case.

AV 21/12/08 Submitted for orders

4/orders

Note by the Under Secretary

This is a case in which the view taken by the Comptroller, being right, has been vindicated by subsequent events.

The Ganga Visweswara Swamy temple at Bilamunde in the Tirthahalli Taluk is a Muzrai Institution endowed with Survey Nos 183 & 184 as Inam lands. Survey No 183 was first demarcated as excess and subsequently as in the case of all Devadaya lands the Khalsat was remitted. This land is reported to have been mortgaged to one Manjappa by the Vakivatdar Thimmappa. Survey No 184 is an areca nut garden of which

tn. sheet.

GPB—50 000—18-5-08

Serial No.

one Seetaramiah claims to be the mulagamidar.

For a debt due by the Valivatdar Thimmappa Shroff Shamarao, Subba Rao, and others, sons of Manjappa, obtained a decree and in execution thereof attached the inam lands referred to above. It is not clear whether these plaintiffs are the sons of the mortgagee Manjappa or whether the decree is a mortgage decree.

The Deputy Commissioner as District Murrai Officer wanted to intervene and get the inam lands released from attachment. He applied for an advance of Rs 50/- and what was done is clear from the previous pages of this note. The Deputy Commissioner now reports the result of the action taken and has submitted for sanction two bills presented by the Public Prosecutor for the fees and other charges due to him. From the Dy Commrs report and Copies of the orders now sent it is found that the claim as

NOTE—Contn sheet

GPB—50 000—13-5-08

Serial No.

regards Survey No. 183 was not pressed under the erroneous impression that it was not in am. As regards Survey No. 184 the mula gaindar asserts his right but as it was disallowed in the miscellaneous case he filed a regular suit. The Deputy Commissioner wanted to contest the mula gaini right and therefore to be made a party defendant ~~for~~ in that suit. This application was not allowed, the Munsiff being of opinion that any decision in that suit would not, under the authority of I.L.R. 21 Bombay 229, ~~not~~ binding the Deputy Commissioner. These cases were disposed of in August 1906 even before the order of November 1906 was passed

The affairs of the temple being thus not satisfactorily managed and the lands having been alienated the Deputy Commissioner recommends that the temple and its endowments might be taken under Government management. In that letter he referred to this Civil litigation but as he quoted a wrong date

NOTE—Contn. sheet

GPE—50 000—13-5-08

Serial No.

the references could not be traced out. His recommendation was sanctioned in Govt Order No. 191-4 Dy 10th November 1908 Mus 3. 113-08-2 The Deputy Commissioner in para 5 of the letter under disposal asks for permission to resume the two Survey ~~two~~ numbers to Government in the Mussai Department. As the lands have already been taken under Government management there is no ~~no~~ occasion for seeking permission again.

File put up.

It may perhaps be that further litigation is in store for us. The auction purchasers may sue for possession of Survey No. 183 and the mulagamidar may assert his right to 184. As a temple Vahivatdar has no right to mortgage the temple inam lands or to lease it permanently those suits when filed can well be defended.

No. 390 Draft sanctioning the bill submitted to the Second Councillor.

Dsw 5/12/1908 1/2/1908 Addl Secy

approved PPR 1/2/1908

7

NOTE—Contn. sheet.

GPB—50,000—13.5.08

MYSORE GOVERNMENT
4166
29/3
MUZRAI SECRETARIAT

190 5. 06

From S. Narayana Rao Esqre
Deputy Commissioner
Shimoga District

To
B. K. Venkata Vanda Iyengar Esqre
Secretary to the Government
General and Revenue Depts.

Dated } Bangalore
Despatched } 20th March 1906

Received

General No. 870
No. 630.

8530
Rev

Enclosure No.

Memorandum
Rev R12394. 926-3-06

Forwarded to the Secretary to Govt, Mines & Geology Department, Bangalore.

By order
for Secretary

States that Survey Nos 183. 184 situate in Bilumande Begumalli Nagar Hunchahalli Taluk are Devadaya Inams and that they were attached in execution of a decree

Submitted with a draft
by
6/3/06

No. 870
630

Deputy Commissioner's Office
Shimoga D. Record
Dated 20th March 1906

From,
M. S. Narayana Rao Esqre
Deputy Commissioner
Shimoga District

To, 1st K. Venkata Varada Iyengar Esqre
Secretary to the Government
General and Revenue Depts.
Bangalore

Sir,

I have the honour to state that Survey numbers 183-184 situate in Belmande Begwalli Magre Thirthahalli Taluk are Devadaya Inams and that they were attached in execution of a decree, execution case No. 915 of 1904-05 on the file of the Munsiff Court Shimoga for the realisation of the vaiwatdar Indur Timmappa's debt. The vaiwatdar petitioned to me to get the lands released from attachment. On en-

enquiry I learn that one of the two survey Nos has also been leased and the lessee (Abulgeni-dar) has of late filed a regular suit

2 I have asked the Public Prosecutor Mr. Guru Rao to move the Court to release both the numbers from attachment if it still continues to represent the interest of Government in the suit said to have been filed by the Abulgendar and to seek to have the lease cancelled

3 I now request you will kindly obtain sanction from Government for an advance of Rupees 50/- to meet the expenses in this connexion which will be adjusted out of the proceeds of the Inam lands referred to above

I have the honor to be
Sir
Your most obedient Servant

For Deputy Commissioner
Shimoga District

Inam F 80-07-2

No. 4767 B/17.4.06.

To

The Dy Commr
Shimoga District

His letter no 870/630
dated 20th march 1906
asking for an advance
of Rs 50 to contest
a suit in connection
with some Devadaya
Inam lands (S. nos
183-184) in the Shikarpur
-halli Taluk.

Has the honor
to enquire to what
Devadaya the lands in
question are entered.

Sd
12/4/06

Sd
12/4/06

Mys F 80-07-3

MYSORE GOVERNMENT
4722
4/5/06
MUZRAI SECRETARIAT

190 6

From S. Narayana Rao Esq
Deputy Commissioner
Shimoga District

To B. K. Venkatavaradaiengar Esq
Secretary to Government
Muzrai Department.

Dated 2nd May 1906.

Despatched

Received

General No. 980

No. 79

Enclosure No.

Adverting to Docket No. 4767 of 17th Ultimo, States that the Devadaya Inam lands (Survey Nos 183 and 184) are endowed to Vishweshwara alias Ganga vishweshwara temple of Belgavalli village in Tirthalli Taluk

Rs
4/5/06.
16/5/06 bc

From,

M. S. Narayana Rao,
Deputy Commissioner
Shimoga District.

To, B. K. Venkatavaradaiyangar,
Secretary to Government
Muzarai Department.

Dated 2nd May 1906.

No: 780/79 Adverting to his docket No. 4767 of 1905 Revenue, has the honour to state that the Devadaya Inam lands (Survey Nos. 183 and 184) situated in Bilimane Maje of Begavalli village in Tirthalli Taluk are endowed to Vishweshwar alias Ganga Vishweshwara temple of Begavalli village in Tirthalli Taluk

[illegible]

Deputy Commissioner
Shimoga District.

XX

Mus-80-07-4
(Dft for approval)

Mysore

Read:—

Letter no 870/630 dy 20th March 1906 from the Dy Commr, Shimoga District, reporting that Sur. Nos 183 & 184 in Bilimande Begwalli Major, Heerthahalli Taluk ~~which~~ which are Devadaya mans ~~were~~ enclosed to the Vishweswara alias Lingeshwara Temple in the said village were attached by the Munsiff of Shimoga in execution of a decree for the realization of the Vakilwatdars debts, that one of the Sur. Nos has also been leased out & that the lessee has filed a regular suit and that therefore he has asked the

Public Prosecutor

the Court to release the

nos from attachment

and cancel the lease, and

further requesting sanction

for an advance of Rs 50 to

meet the expenses.

Order thereon :—

No. 5431-25/22.5.06

The advance of Rs 50

is sanctioned, subject to

adjustment in due course

out of the

proceeds of the inam lands

referred to above.

22/5/06

Sec: Revs Dept.

1/4/06

To, The Dy Commr Shimoga Dt.

Comptr Dept.

MYSORE GOVERNMENT
5286.
MUZRAI SECRETARIAT

1906 Judl F 80-07 5.

From The Comptroller in Mysore

To The Inspector General of Forests

Dated

Despatched 11th June

Received

General No. 6821

Judl No. 295

Enclosure No.

Ans.

Refer case please

Dy 11/6/06

With reference to Govt. Judl 5431 dy 22.5.06 Judl 1906 stating that the Sandalwood in Gudekan is not under the management of Govt officials

Mss F 80-07-6

2

The Comptroller

to Government

Sir,

I am directed

to acknowledge the

receipt of your letter

no 6821/299 dated the

11th ~~January~~ June 1906,

A

regarding the advance

of Rs 50 sanctioned

in the Govt Res no

5431-2 dated the 22nd

May 1906, to conduct

a suit in the Municipal

Court at Shimoga

on behalf of the

Issue 26/11/06

No 28 [illegible]

the Viswanatha

at Bilimandle in the

Tarikere Taluk.

2. Referring to your

observation that the

institution in question

is not under the management

of Govt Officers, I

am to draw your attention

to the Govt Order no 223-30

Mang Dt 11-9-96 B

dated the 6th August 1896,

which lays down that

"temples endowed

with only land revenue

are as much subject

to the control of the

Mysore Department

as those enjoying

Revenue Money Grants."

The temple under adjudication being endowed with land revenue is therefore a Mysore Institution

A

3 Referring to para 2 of your letter under reply, I am to point out that the Rules of 1877 regarding the alienation of Inam lands have no bearing on the present case. Those rules relate to the Devasthan Inam lands enumerating alienated & un-alienated lands, with or without possession; but in this case no such alienation has taken place -

4. It having been represented that the

Devadanya Inamdar ~~attached~~ endowed to the Trust had been ~~in this case~~ attached by the Munsiff's Court at Shimoga, in execution of a decree for the realization of the temple Vahivatdar's private debts, and that the lessee of one of the members had filed a suit on the ground that he was the mulgenidar, an advance of Rs 50 was sanctioned in the first order noted above, to ~~the~~ represent to the Court the interests of the management Department in

in the hands under
dispute

5. The advance
may be met from the
sum of Rs 5-00 set-
apart for unforeseen
charges out of
the Endowment and Chari-
-table Funds - vide Item
18 of the Govt. Memo No
2892-901 dated the
May 5-96
19th March 1904.

I have the
(II c/s order) 26/11/06
Secretary
Mysore Depu-

26/11/06

Copy forwarded

to the Dy Comr Chamarajanagar
District with reference
to his letter no 96/12
dated the 23rd July 1906,
with the request that
the results of the said
~~shall~~ May be reported
to Govt
in due course —

A

Dbl.

26/11/06

26/11/06

Mis F 80-07-6

Office of the Comptroller, Mysore Government,

Dated Bangalore, the // June 1906.

From

Rai N.G. Basu Bahadur, M.A.,

Comptroller, Mysore Government.

To

L. Anantasami Rao, Esq., B.A.,

Secretary to the Government of Mysore,

Mizrai Department.

Sir,

With reference to Government Proceedings No. 5471-76[illegible] dated the 22nd May 1906 sanctioning an advance of Rs. 50/- to be placed at the disposal of the Deputy Commissioner Shimoga District to meet the expenses connected with the [illegible] lands endowed to Sri Nidigevvara temple Thirthahalli Taluk and illegally attached, I have the honour to state that the Institution in question is not under the management of Government officers, either permanent or temporary, nor is the balance at the credit of the Institution included under Muzrai Funds.

In this connection, I beg to invite your attention to Government Proceedings No. 141-50/Mus.I, 95-96 dated the 16th January 1904 on the subject of unauthorised alienation of Inam lands assigned to religious and charitable Institutions and of the advance is still desired I request that you will be so good as to point out the source from which the advance is to be met.

I have the honour to

Sir

Your most obedient servant,

Comptroller.

Rev W I-80-07-8

1906

From The Secretary, Muzrai Deptt

To The Deputy Comr,
Shimoga District

Dated 6"

Despatched 6" July

Received

General No. 84

No.

Enclosure No. one.

In continuation of Govt Pro: No 5431-2 Dy the 22nd May 1906 sanctioning an advance of Rs 50/- to contest a suit in connection with the main lands endowed to the Sri Viswesvara Temple in the Theerthahalli Taluk, has the honor to forward herewith a copy of Comptrollers Letter No 6821-29 Dy the 1 June 1906 and to request information on the following points.—

Is this a Private Institution?

What are the receipts & expenditure of the Institution

Is there any amount available at its credit. if not from what source should the advance sanctioned ~~is to~~ be met.

2 An early reply is requested.

RO.

Dft

4/7/06

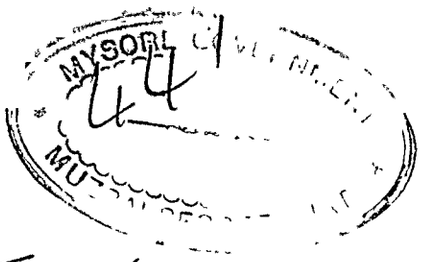
Secretary

Is

3/7/06

Mys F80-07-8

1906-07



Rs
2577/06

From M. Narasinga Rao Esquire
Deputy Commissioner
Kolar

To L. Ananta Swami Aiyar Esq
Secretary to Government
Mirzapur Department

Dated 23rd July 1906.

Despatched

Received

General No. 96

No. 12.

Enclosure No.

With reference to docket
No 84 of 6th July 1906
forward information on
the points referred therein

No. 96/12.

Dated 2.3

From,

M. Narasiva Rao Esquire
Deputy Commissioner
Shimoga District.

To, L. Anantasami Rao Esquire
Secretary to Government
Muzarai Department.

Sir,

With reference to your docket No. 84 of 6th July 1906, I have the honour to state (1) that the Temple of Sri Vishweshwar Swami at Begavalli in the Thirthahalli Taluk is a Muzari institution as it is endowed with Devadaya land inam vide late Chief Commissioner's Circular No- 1581-Gl 41 of 16th May 1877. (Re-affirmed in Government order No 223-30- Muzary G 11-96 of 6th August 1896). (2) that the Archak who enjoys the Inam lands has not kept regular accounts of the income and expenditure

expenditure on account of the Temple and, (3) that there is no balance available at the credit of this institution.

2. The advance of Rs 50/- sanctioned in Government Proceedings No 5431-2 of 22nd May 1906 will be adjusted in due course out of the proceeds of the Inam lands, which are under attachment.

I have the honour to be,

Sir,

Your most obedient servant

Malcomsharya

For Deputy Commissioner

Chairman for Endowments

JBF

D2541

1908 E 803 F 80

From
K. S. Chandrasekhara Esqr B
Offg Deputy Commissioner
Shimoga District

To
K. S. Chandrasekhara Iyer Esqr B.
Secretary to Government
General & Revenue Depart
Miscl Department

Dated 30th
Despatched } November 1908.
Received

General No. 305
No. Immg 47

Enclosure No. 5

With reference to correspondence ending with your Memo No: dated 29th November 1906, I submit a report regarding the attachment of the lands belonging to the Temple of Sri Ganganisameshwara Devaru at Bilamunde in Hirekalmalli Taluk in execution of a decree of the Munsiff's Court at Shimoga

305
M.47 Enc. 5.

Dated, 30th N

X
rom

K. Chandy Esquire B. A.

Offg Deputy Commissioner

Shimoga District

K. S. Chandrasekhara Iyer Esqr B.A.B.L

Secretary to Government

General and Revenue Departts

Mysore Branch.

With reference to Correspondence ending with your Memo No 2878, dated 29th November 1906, re the attachment of the land belonging to the temple of Sri Gangadhareshwara Devaru at Bilamunde in the Shikarpur Taluk in execution of a decree of the Munsiff's Court at Shimoga, I have the honor to State that the Public Prosecutor had been asked to move the Munsiff's Court to release from attachment the two Survey numbers 183 and 184 of Bilamunde Village which belonged

belonged to the temple. but he applied for the release of only S. No 184, and did not press his application in respect of S. No 183, as he thought that it was not temple land. As a matter of fact it did belong to the temple; but as it was a Khulsat land subsequently confirmed, it did not appear in the Inam Registers and this might have led to a misconception of facts. Anyhow it is now reported that that Survey number has been actually sold by the Munsiff's Court and purchased by Shroff Shama Rau and others, plaintiffs in the Execution Case.

2. As regards S. No 184, the Court ordered that the Revenue Department could not be affected by the result of suit No 713 of 1905-06, which declared that the land in question was found to have,

have been no

Seethawaniya of Southern Province

District, and could not therefore

be sold in execution of the decree

obtained by Shroff Shamu Row and

others. The Public Prosecutor states

that a regular suit will have to be filed

in case it is found that Sandeswara-

Seethawaniya does not possess any such

right of permanent occupancy as he was

found by the Court to possess, but this

appears to be unnecessary, especially

as this land as well as L. No. 183 have been

ordered in Government Proceedings No.

191-1-Misc: Dis. 113-08-2, dated 10th November

1908 to be summarily resumed to

Government in pursuance of the Alien-

-ation Rules issued under the late

Chief Commissioner's Notification-

No 266, dated 17th November 1877.

3. Copies of the Orders in Mis. cases Nos

713, 887 and 894 of 1905-06 on the file of the Munsiff's Court, Shenoga, are submitted for reference and obliging return.

4. Two bills of costs aggregating to Rs. 38-15-7 submitted by the Public Prosecutor are herewith forwarded for sanction. The amount of the bills will be met out of the funds of the temple of Sri Gangadheswara Devaru at Bilaumde in the Shikarpur Taluk to which the lands in question belong, and the advance sanctioned in Government Proceedings No 5-431-2, dated 22nd May 06 for the purpose of conducting the suits will be finally adjusted.

5. It is requested that I may be permitted to resume the Inam Survey members to Government in the Revenue Department and that Civil Courts be ed that they have no jurisdiction to alienate Devadaya lands from Government

in

in the Illuvvai
the liabilities of the temporary
of the lands.

6. In my opinion there does not appear to have been any need for the Deputy Commissioner to have concerned himself with this Civil Suit as all orders of Civil Courts alienating Devadaya lands from the temples appear to be ultra vires, and not binding on the Deputy Commissioner as the head of the Illuvvai Department in the District

I have the honor to be
Sir,
Your most obedient Servant
K Wardy
Off g Deputy Commissioner
Shimoga District.

Rpd 6-2-09.

28

File No 80-07

Serial No. 10.

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, the 190

Date of issue 10.2.1909.

Signed by H.V.A.S. Iyer

READ—

Govt Pro. No 5431-2 dy 22nd May 1906, sanctioning an advance of Rs 50/- for Civil litigation in connection with the inam lands of Ganga visweswaraswamy temple at Dilimunde in the Tirthahalli Taluk.

Correspondence ending with Memo No 2878 dy 26th Novr 1906 to the Deputy Comr Shimoga Dt requesting that the result of the suit may be reported to Govt in due

ORDER THEREON.—No.

SUBJEC

Course

Letter No 305 Dy 30th Novr
mus47
1908, from the Deputy Commr
Shimoga Dt reporting the
results of the suits.

Order therein No 1018-9
80-07+10 dt 10.2.09.

The Devadaya inam &c e.s.2 vill. of 3,
lands of the Sri Ganga
visveswara swamy temple
in Bilamunde in the
Tirthahalli Taluk
having been attached
in the execution of a decree
for
~~for~~ a private debt of
the Valivatdar the Dy
Commr Shimoga Dt wanted
to get these released from
attachment and also
to contest the mula gani
asserted in regard to
right ~~in~~ ^ one of these lands.
He asked for an advance of
Rs 50/- to meet the necessary
expenses. The advance was
sanctioned subject to

S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

Para 11

adjustment in due course from the produce of the inam lands of the temple and the Dy Commr was asked to report the result of the civil action. 2. The Dy Commr in reporting the result has submitted two bills aggregating Rs 38-15-11 for the fees and other charges due to the Public Prosecutor who conducted the cases before the Munsiff. It is reported that the amount of the bills will be met out of the funds of the temple and the advance finally adjusted. In these circumstances Government are pleased to sanction the two bills submitted by the Dy Commr.

B.
1.2.1909
For Secy

To,
The Dy Commr Shimoga Dt
Revg the sanctioned bills & other encls.

& Comptr & Mysore Govt for information

which with its enclosures has been sent to you for remarks (in duplicate) with endorsement No 191-4 dated 11 Jan 1909.
Mysr 13-05-2

Rpr
4/2/09

READ —

Petition No 3056, dated 2nd March 1896, from Devargudda Doddabhira Gauda and certain others of Kadakola, appealing against the order of the Deputy Commissioner of Mysore district, dated 15th February 1896, dismissing the suit filed by the petitioners in the Muzrai Department for the establishment of their right to perform *puja* at the Kalabhiramma temple at Kadakola on the ground that the temple is not a Muzrai institution, being endowed only with a land inam and that therefore the Muzrai Department has no jurisdiction in the matter

AND,

Letter No 1486, dated 11th June 1896, from the Deputy Commissioner, Mysore district submitting the records of the case.

No. 223-30—MUZ. F. 11-96, DATED, BANGALORE, 6TH AUGUST 1896.

ORDER THEREON.—The Government observe that the Deputy Commissioner is quite in error in holding that the temple in question is not a Muzrai institution because it receives no cash allowance from the Government but is simply endowed with a land inam. His attention is drawn to the late Chief Commissioner's Proceedings No. 1581—Gl. 41, dated 16th May 1877, in which it has been distinctly laid down that temples endowed with only land inams are as much subject to the control of the Muzrai Department as those enjoying Ready Money Grants.

2. Further, in a civil suit instituted by the petitioners Doddabhira Gauda and others, to establish their right to perform *puja* in the temple in question, the Judges of the Chief Court in the second appeal No. 105 of 1893-94 have finally decided that the temple in question is a Muzrai institution and the suit relating to the *pujarishíp* thereof is not cognisable by Civil Courts and that it can only be enquired into and disposed of by the Muzrai Department. It is therefore surprising that the Deputy Commissioner should, in the face of the above decision of the Chief Court, decline to entertain the suit brought by the petitioners on the Muzrai side.

3. The Deputy Commissioner's order is accordingly reversed; and he is directed to restore the appeal to his file and dispose of it on the merits in due course.

A. SREENIVASSACHARLU,
Muzrai Secretary.

To—The Deputy Commissioner Mysore district, returning the records
The Deputy Commissioners of other districts, for information.

Encl.—H A F.

GOVERNMENT OF

MUZRAI

PROCEEDINGS.

D.

No. 223-30
Muz. E. 11-96.

Observing that the Kalabhiramma Temple at Kadakola, though endowed with only land inam, should be considered as a Muzrai institution as laid down in the late Chief Commissioner's Cir. No. 1581—Gl. 41, dated 16th May 1877, and accordingly directing the Deputy Commissioner of Mysore district to restore to his file the appeal filed by Devargudda Doddabhira Gauda and certain others, and dispose of it on its merits.

M.G.C.P.B.—18-8-96—120